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15 **IN THE UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO**

18 KATHLEEN IMMEDIATO, individually and
19 as real party in interest to the ESTATE OF
20 RALPH IMMEDIATO

21 Plaintiff,

22 vs.

23 UNITED STATES OF AMERICA

24 Defendant.
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CASE NO. CV 07-03008 MMC

**STIPULATION AND JOINT MOTION
TO EXTEND DEADLINES AND
REQUEST FOR A SETTLEMENT
CONFERENCE WITH A MAGISTRATE
JUDGE; [PROPOSED] ORDER**

1.

1 In accordance with Local Rule 6-2, Plaintiff Kathleen Immediato ("Plaintiff") and Defendant
2 the United States of America ("Defendant") hereby stipulate and jointly move this Court for a brief
3 extension of the expert disclosure deadline and corresponding extensions to the other deadlines in
4 this case, including the trial date of this case. The parties also request that this matter be sent to a
5 Magistrate Judge for a settlement conference as soon as practical.

6 As grounds for this motion the parties state the following:

7 1. This is a claim for Professional Negligence, Wrongful Death, Survival and Elder Abuse
8 related to Decedent Ralph Immediato's care at the Martinez Outpatient Clinic and Center for
9 Rehabilitation and Extended Care ("CREC").

10 2. This is the second request for an extension in this case. The Court previously granted a one
11 month extension to all discovery related deadlines.

12 3. Fact discovery was completed on May 1, 2008 in accordance with the Court's previous
13 ruling.

14 4. The Parties participated in court ordered mediation on March 31, 2008 before John Barg.
15 While the case did not resolve at that time, the parties made significant progress towards a potential
16 settlement of this matter.

17 5. There currently deadline for disclosure of Plaintiff's experts is June 2, 2008.

18 6. In preparation for this disclosure, Plaintiff will incur substantial costs.

19 7. Given the relative value of this case, once the Plaintiff incurs these expenses, a settlement of
20 this matter will become less likely.

21 8. Both parties feel that this case would benefit from a settlement conference before a
22 Magistrate Judge.

23 Therefore, the parties ask that the Court assign this matter to a settlement conference with a
24 Magistrate Judge as soon as practical. The parties also ask that all deadlines, beginning with the
25 disclosure of Plaintiff's experts, be set one month after the date of any settlement conference. This
26 will allow the parties to continue to attempt settlement of this matter, without Plaintiff incurring
27 substantial costs which will make settlement less likely.

1 Accordingly, the parties respectfully request that the Court grant their Stipulation and Joint
2 Motion to Extend Deadlines and Request for a Settlement Conference before a Magistrate Judge.

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4 Dated: May 5, 2008

ADAMS | NYE | TRAPANI | BECHT LLP

5
6 By: /s/
7 MICHAEL SACHS
8 Attorneys for Plaintiff
9 KATHLEEN IMMEDIATO

10 Dated: May 5, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

11
12 By: /s/
13 ELLEN M. FITZGERALD
14 Assistant United States Attorney
15 Attorneys for Defendant

16
17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19
20 Dated: May ____, 2008

21 _____
22 **THE HONORABLE Maxine M. Chesney**
23 United States District Judge
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